

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CE'MONNE HANNA,)	
)	2:15cv1009
Plaintiff,)	Electronic Filing
)	
v.)	Judge David Stewart Cercone
)	Magistrate Judge Robert C. Mitchell
GIANT EAGLE INC. and)	
BENJAMIN SIMMONS)	
)	
Defendants.)	

MEMORANDUM ORDER

AND NOW, this 30th day of March, 2017, after the plaintiff filed an action in the above-captioned case, and after a motion for summary judgment was submitted by the defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 81), which is adopted as the Opinion of this Court,

IT IS ORDERED that defendants' motion for summary judgment (ECF No. 70) is GRANTED IN PART and DENIED IN PART, specifically, 1) IT IS GRANTED IN PART at Counts I and II as to the claims of racial discrimination and the application of the attendance policy, and DENIED in all other respects; 2) GRANTED IN PART as to Counts III and IV as to the hostile work environment constructive discharge claims and DENIED as to hostile work environment more generally; 3) GRANTED IN FULL at Counts V and VI as to the retaliation claims; and 4) DENIED as to Counts VII and VIII.



David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell
United States Magistrate Judge
Martell Harris, Esquire
Kayla Drum, Esquire
Elly M. Heller-Toig, Esquire
James F. Rosenberg, Esquire

(Via CM/ECF Electronic Mail)